

PTO/SB/17 (10-03)

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180

**Complete if Known**

Application Number	10/726,736
Filing Date	12/3/2003
First Named Inventor	Naipawer III et al
Examiner Name	Jennifer A. Boyd
Art Unit	1771
Attorney Docket No.	FDN-2605/CONT

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number 50-1855

Deposit Account Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ )

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ )				

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	WILLIAM J. DAVIS	Registration No. (Attorney/Agent)	30,744	Telephone	(973) 628-3529
Signature		Date	10/6/2004		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Naipawer III et al.

Serial No.: 10/726,736

Filed: December 3, 2003

Group Art Unit: 1771

Examiner: Jennifer A. Boyd

For: ALUMINUM FACED SELF  
ADHERING MEMBRANE

**CERTIFICATE UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited  
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450

Name

*Dorothy Schelkait*

Date

*October 6, 2004*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 CFR 1.97 and 1.98**

Dear Sir:

In accordance with the suggested procedure of 37 CFR 1.97 and 1.98, Applicants are submitting herewith copies of all of the prior art references identified on the enclosed list, which are considered to comprise the closest prior art of which the undersigned attorney, the inventors and anyone else believed to have been substantially involved in the preparation of this application are aware. Each of these references will be discussed below in a brief paragraph.

1. U.S. Patent No. 4,936,938, issued to Simpson et al. on June 26, 1990, discloses a laminated roofing material having a laminate of five layers:

an uppermost surface layer of an aluminum foil 18 which is exposed to the sunlight and the environment;

an ionomer resin adhesive 22;

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a polyethylene sheet 20, wherein the aluminum foil 18 and the polyethylene sheet 20 are bonded together by the ionomer resin adhesive 22;

a coating of bitumen 24 bonded to the surface of the polyethylene sheet; and

a release paper 26 applied to the exposed bitumen surface so that when the laminate is wound into a spiral roll the release paper prevents adherence of the bitumen layer to the aluminum layer.

2. U.S. Patent No. 5,096,759 (a CIP of U.S. Patent No. 4,936,938) issued to Simpson et al. on March 17, 1992, discloses a laminated roofing sheet comprising the layers listed in U.S. Patent No. 4,936,938 and additionally utilizes an underlayment 90 which is applied to the roof structure prior to applying the laminate thereto.

3. U.S. Patent No. 4,457,983, issued to Maile et al. on July 3, 1984, discloses a roofing sheet comprising a three layer laminate:

a lower or inner asphalt layer, which faces the decking of the roof;

an upper layer of ethylene vinyl acetate (EVA) which faces the outside environment; and

a middle layer of rayon fibers sandwiched between the lower and upper layers.

The asphalt mechanically interlocks with or is embedded in the rayon fibers, as does EVA, so that there is a mechanical bond which stabilizes the laminate both dimensionally and against separation of the layers.

4. U.S. Patent No. 4,636,414 issued to Tajima et al. on January 13, 1987, discloses a laminate comprising five layers:

a fibrous sheet (of cardboard, woven fabric, knitted fabrics, non-woven fabrics made of glass fibers, asbestos fiber, and synthetic fibers such as polyvinyl alcohol fiber, polypropylene fiber, polyester fiber, and polyamide fiber);

first and second bituminous layers coated on both surfaces of the fibrous sheet;

a synthetic resin sheet laminated on one of the bituminous layers (of polyvinyl chloride, polyethylene, polypropylene, polyester, polycarbonate, polyvinyl alcohol, acrylic resins, ethylene-vinyl acetate copolymers and chlorinated polyethylene); and

a mineral aggregate layer deposited on the opposite surface of the second bituminous layer.

5. U.S. Patent No. 4,911,975, issued to K. Schult on March 27, 1990, discloses a polymer bitumen web comprising a three layer laminate:

a fiber support (polyester fleece, glass fabric, glass fabric fleece, and needled fleece of synthetic fibers);

a sealing layer of black polymer bitumen which is both gas and moisture impermeable bonded to the underside of the fiber support and intended to face the deck of the roof; and

a cover layer bonded to the upper side of the fiber support made of polyolefins admixed with light color or white pigments highly reflective to sunlight.

6. U. S. Patent No. 3,581,779, issued to L.G. Sylvia, Jr. on June 1, 1971, discloses a roofing laminate comprising:

an opaque polyvinyl fluoride fiber; and

non-woven fiberglass mat impregnated with an asphaltic emulsion.

The asphaltic emulsion is forced through the non-woven fiberglass mat so that it adheres to the polyvinyl fluoride fiber.

7. U. S. Patent No. 3,909,144, issued to Garn et al. on September 30, 1975, discloses plastic sheet materials comprising:

a plastic film coated on both sides with a non-woven glass fiber fabric, said fabric being partially fused into the plastic film;

an asphalt layer on each glass fiber fabric; and

the surface of one asphalt layer is coated with a layer of crushed slate partially rolled into the asphalt layer.

8. U. S. Patent No. 5,737,897, issued to M. P. Naipawer, III on April 14, 1998, discloses an insulation board/waterproofing membrane composite comprising:


- a rigid, dimensionally stable insulation board;
- a tacky pressure sensitive sheet coating thereon comprising asphalt and styrene-butadine-styrene (SBS) polymer suitable for cold adherence;
- a release sheet on said coating; and
- a non-adhesive waterproofing membrane placed onto the adhesive face of the board.

Suitable waterproofing membranes include SBS polymer/fiberglass base sheets.

None of the above-cited references disclose or suggest the present invention.

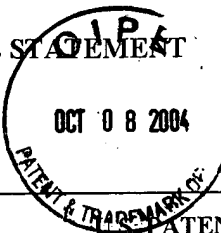
Respectfully submitted,

Date 6 October 2004

  
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Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	ATTY. DOCKET NO. DN 2605(Cont)	SERIAL NO. 10/726,736
<b>INFORMATION DISCLOSURE STATEMENT</b> <b>BY APPLICANT</b> <i>(Use several sheets if necessary)</i>		APPLICANT Naipawer, III et al.	
		FILING DATE 12/3/2003	GROUP 1771

**PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	4,936,938	06/26/90	Simpson et al.	156	244	
	B	5,096,759	03/17/92	Simpson et al.	428	40	
	C	4,457,983	07/03/84	Maile et al.	428	213	
	D	4,636,414	01/13/87	Tajima et al.	428	40	
	E	4,911,975	03/27/90	K. Schult	428	193	
	F	3,581,779	06/01/71	L. G. Sylvia Jr.	138	141	
	G	3,909,144	09/30/75	Garn et al.	404	31	
	H	5,737,897	04/14/98	M. P. Naipawer, III	52	796.1	

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	I							
	J							
	K							
	L							
	M							
	N							

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	O	
	P	
	Q	
	R	
	S	
	T	
EXAMINER		DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		